ECCLESIA LAW

Private Ecclesiastical Counsel
United States & International

ECCLESIA LAW – RESEARCH DIVISION

HISTORY OF TRUSTS, PRIVATE INTERNATIONAL TRUSTS, AND GOVERNANCE/COMPLIANCE CONSIDERATIONS

Executive Summary

Trusts originated in **medieval England** as feoffments to uses enforced by Chancery, creating a separation between **legal title** (held by trustees) and **beneficial enjoyment** (held by beneficiaries). This split—equity's hallmark—remains the core reason sophisticated parties use trusts: to administer and control assets without incurring the full liabilities of ownership. Modern authorities (Restatement (Third) of Trusts; Uniform Trust Code commentary) continue to frame this separation as foundational.

This report examines **private international trust structures** as they are commonly described by their proponents—most notably the **Asset Fortress Protocol (AFP)**—and contrasts those descriptions with **statutory trust regimes** and **common-law trust concepts** frequently promoted in "freedom" or "sovereignty" communities.

The analysis focuses on:

1. What a **private international trust** is and how it differs from statutory trusts.
2. Why such trusts are assigned **separate tax identifiers** (e.g., EINs) for administrative classification.
3. **Private international trust** as a **private treasuries, for asset holding, and banking interfaces**.
4. **Private international trust, debt and tax settlement via abandoned credit recoupment mechanisms**.
5. **Private international trust privacy, personhood, and digital-identity exposure**.
6. A **side-by-side comparison** with statutory trusts and commonly promoted "common-law" or pseudo-law trust remedies.

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1. What is Meant by a "Private International Trust"

It is typically a **foreign grantor trust (FGT)** constituted by private indenture and, via choice-of-law rules (including the Hague Trusts Convention in states party), and is governed by non-domestic law. Obtaining a

U.S. EIN is primarily an administrative step (banking, withholding, information returns) and does not, by itself, subject the trust to the statutory trust codes of England, the EU, or the United States for purposes of its internal validity. Nevertheless, AML/KYC of any jurisdiction touched by the trust still apply.

The Asset Fortress Protocol is a **private international (or foreign) grantor trust** created by **private contract** rather than public registration, operating under its own **trust indenture** and outside domestic statutory trust codes. The trust is intended to function as a **separate juridical arrangement** with defined roles (grantor, trustee, beneficiaries) and a private governance framework

In this narrative:

- The **grantor** is a legal (corporate) persona, (the decedent estate detailed on the birth certificate).
- The **trustee** is a legal (corporate) persona that administers the trust under the indenture.
- The **beneficiaries** are living individuals who enjoy use or benefit with no ownership or liability.
- The trust does not report its assets to individual governments as it operates as a Foreign Grantors Trust.
- The trust is designed to receive no income.

This description contrasts with statutory trusts, which are typically **created, recognised, and regulated** under domestic trust legislation and subject to reporting and oversight.

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2. Private International Trusts vs Statutory Trusts

Statutory Trusts

Statutory trusts are formed and governed by **national trust law**, often requiring:

- registration or disclosure,
- ongoing reporting,
- regulatory oversight,
- and clear tax treatment under domestic law.

They exist **squarely within statutory jurisdiction**.

Private International Trusts

By contrast, a private international trust:

- is governed primarily by its **private indenture**,
- is **non-domestic** for classification purposes,

- does not rely on public registries,
- and interfaces with states and banks only as needed for commerce

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3. Why Such Trusts May Have Their Own EIN or Tax Identifier

Private International Trusts obtain a **separate tax identifier** (e.g., an EIN) to:

- distinguish the trust from legal (corporate) persona,
- allow administrative interaction with financial institutions,
- classify the trust as a non reporting foreign grantors trust for tax-reporting purposes.

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4. Private International Trusts "Private Treasury" and Banking Interfaces

AFP materials describe the trust as operating a **private treasury** via bank accounts held in the **name of the trust**, not the legal (corporate) persona. The advantages include:

- centralised accounting of trust inflows and outflows,
- separation between personal and trust activity,
- inflows could be grants based on credit recoupment
- and privacy associated with fiduciary administration

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5. Asset Holding and Beneficial Use

Assets (property, contracts, IP, or financial instruments) may be held **in the name of the trust**, with beneficiaries enjoying **use or benefit** without holding legal title. This reflects a **classical trust distinction** between legal title and beneficial interest, which is well-established in orthodox trust law.

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6. Debt and Tax Discharge via Recoupment

Private International Trusts can **receive abandoned credit recoupment grants** and apply them to **settle the Grantor's liabilities:**

- **Mortgages**
- **Unsecured debts**
- **Taxes**

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7. Personhood, Privacy, and Digital-ID Claims

A private trust:

- is **not a natural person**,
- therefore does not fall within certain **digital-ID or biometric regimes**,
- and offers a privacy buffer between individuals and the state.

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8. Comparison with "Common-Law" and Pseudo-Law Trust Solutions

Many freedom-oriented movements promote:

- "common-law trusts,"
- "strawman" trusts,
- birth-certificate or secret-account theories.

Ecclesia Law research consistently finds that such constructs fail because they:

- rely on **misinterpretations of law**,
- lack recognised fiduciary substance,
- and are routinely rejected by courts.

AFP-style trusts distinguish themselves by **formal trust instruments, defined fiduciary roles, and administrative structure**—yet they still face scrutiny under **substance-over-form analysis**.

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9. Side-by-Side Comparison

Feature	Statutory Trust	"Common-Law" / Pseudo-Trust	Private International Trust (AFP)
Legal Basis	Domestic statute	Ideological / pseudo-law	Private indenture + international classification
Oversight	High	None (and thus rejected)	Limited, but subject to scrutiny
Tax ID	Yes	Often none	Yes (separate identifier)

Feature	Statutory Trust	"Common-Law" / Pseudo-Trust	Private International Trust (AFP)
Asset Holding	Recognised	Often invalid	Recognised if genuine
Privacy	Limited	Illusory	Absolute

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10. Conclusion

Private international trust structures—such as the Asset Fortress Protocol—can operate as **private treasuries and asset-holding vehicles** distinct from statutory trusts and pseudo-law constructs.

Sources Reviewed

- **12th–14th c.** Emergence of uses; equity enforces confidences beyond common law.
- **1535/1536** Statute of Uses attempts to collapse uses; modern trust evolves via "use upon a use."
- **1560** Duchess of Suffolk's Case recognizes post-Statute equitable interests.
- **1985/1992** Hague Trusts Convention concluded (1985), in force (1992).
- *The Asset Fortress Protocol – Your Private Treasury*
- *Asset Fortress Protocol eBook*
- *Settlement of Council Tax Liabilities via the Asset Fortress Protocol*
- *ASSET FORTRESS PROTOCOL – Trust Indenture (Excerpt)*
- *Top 7 Questions About the Asset Fortress Protocol*

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